

TOWN OF LAMOINE

Minutes of Planning Board Public Hearing and Meeting

**January 14, 2014
Lamoine Town Hall**

Planning Board Members

Present: Holt, Bamman, Gallagher, Donaldson, Tadema-Wielandt, Weber
(alt), Fowler (alt)

Code Enforcement Officer

Present: M. Jordan

Members of the Public

R. Christie, S. Salsbury, Andrew McCullough (representing Cahn)

Public Hearing on Gravel Permit Application from John W. Goodwin Jr. et al., Inc.
gravel application Map 4 Lot 41-1; Map 5 Lot 15 (Davis Pit)

Chair Holt convened the hearing at 6:30 p.m. There being no comments or questions from those present, he closed the hearing at 6:32 p.m.

Planning Board Meeting

1. Chair Holt called the meeting to order at 6:32 p.m.

2. Consideration of Minutes

[Minutes of Dec. 3, 2013 meeting](#) were discussed and corrections made.

Moved by Gallagher (Bamman) to approve the minutes as amended.

Approved by vote of 5-0.

[Minutes of Dec. 10, 2013](#) meeting were discussed and corrections made.

Moved by Bamman (Tadema-Wielandt) to approve the minutes as amended.

Approved by vote of 5-0.

3. [Code Enforcement Officer's](#) Report

a. [Permits Issued](#) -- report reviewed

b. [Enforcement Actions](#) -- report reviewed

4. [Conservation Commission](#) – No member present

5. Old Business

(a) Action on Harold MacQuinn, Inc. gravel permit application Map 3 Lots 31 & 33 (Kittredge Pit). Tabled from Dec. 10, 2013 meeting.

See Minutes of December 10 meeting for summary of review of Performance Standards.

New material submitted by the applicant included a May 20, 2013 report by S.W. Cole, Inc. regarding the five wetlands areas on the parcel originally identified by Cole in a Nov. 30, 2012 report. The report revealed that two of these are vernal pools and one of these two ("Wetland A") is a "Significant Vernal Pool" requiring stricter limitations for gravel extraction. Both are located on the eastern portion of the property, outside the proposed area of extraction.

The Board discussed this matter and concluded that Performance Standards A(4) and K have been met. Discussion regarding Standard K led to a request from the Board that the applicant provide, by the expiration of the proposed permit, information confirming that the slope, soil application, and other requirements for Restoration have been complied with.

Regarding Performance Standard C(1) Groundwater Protection, Holt suggested that, since the applicant has recently completed a monitoring well on the eastern portion, any new permit should include submission of the water table data from this well. Salsbury indicated that this data was now available.

The following conditions were proposed:

1. Moved by Donaldson (Gallagher), relating to Performance Standard C(1): the applicant shall install one additional monitoring well on the easterly portion of the parcel and four additional monitoring wells on the westerly portion; these wells shall extend into the water table and shall be suitable for drawing samples for water quality testing; further, these wells shall be located within the pit areas in order to give a fair picture of the water table and the soils lying beneath the 22 acres of the two sites; further, that a report be submitted to the Planning Board immediately on the water table level results of the new easterly section well; and finally, that the a report be submitted to the Planning Board on the data from all five wells by May 1, 2014. No excavation can occur in the easterly portion until the Planning Board has reviewed the data from the new well in that area and finds that excavation can safely occur. Approved by vote of 5-0.
2. Moved by Gallagher (Bamman), relating to Performance Standard D(2): the applicant shall submit an amendment to the Restoration Statement clearly stating that the Restoration Plan will address all requirements (a – e) in Performance Standard 8D(1). Approved by vote of 5-0.

Gallagher (Tadema-Wielandt) moved to approve the permit with the above two condition. Approved by vote of 5-0.

(b) Action on Gravel Permit Application from John W. Goodwin Jr. et al., Inc. gravel application Map 4 Lot 41-1; Map 5 Lot 15 (Davis Pit) 13.7 acres

The Board applied the Performance Standards from Section 8 of the Lamoine Gravel Ordinance and found the application in compliance on all standards except the following (see checklist on file):

Standard C(1) Groundwater Protection: the ordinance calls for 1 monitoring well for every 5 acres of gravel pit, requiring one additional well be installed in this pit.

Note:

1. Subsection H could not be reviewed as this is the first application under the new ordinance and no Annual Report has yet been filed.

Donaldson (Gallagher) moved to approve the permit with one condition related to Performance Standard C(1):

the applicant shall install a third monitoring well that extends into the water table and that is suitable for drawing samples for water quality testing; and further that the wells be located within the pit in order to give a fair picture of the water table and the soils lying beneath the 13.7 acre site; further, that a report be submitted to the Planning Board on the results of this installation by May 1, 2014.

Approved: 5-0.

[NOTE FROM SECRETARY: All other applications approved in this round included the following condition: D (2) Gallagher (Bamman) moved to require the applicant to submit an amendment to the Restoration Statement clearly stating that the Restoration Plan will address all requirements (a – e) in Performance Standard 8D(1).]

6. New Business

a. Site Plan Review Pre-Application and Application: F. Cahn proposal to build a fire pond; Map 12 Lot 36

Cahn was represented by engineer Andrew McCullough who explained that the goal was to install a 7-foot deep fire pond approximately 25 feet from a stream (originating at Latona Spring) that will serve the owner and others as fire protection. The project will disturb approximately 10,848 square feet of “forested freshwater wetland”.

The Lamoine Volunteer Fire Department will install a dry hydrant. The design has followed standard procedures of the Soil Conservation Service. Two DEP permits have been applied for (one seeking permission to “impact the wetlands”, the other permission “by rule” for “activities adjacent to a stream”).

Chair Holt explained that the Planning Board’s jurisdiction stems from the fact that more than 10,000 square feet of earth materials are going to be disturbed in this project (triggering the Site Plan Review Ordinance).

The Board reviewed the Pre-Application and the Application for completeness and found the following information in need of amplification (numbers here refer to the

number on the application requirement section of the Site Plan Review Ordinance; Section I):

1. provide two more full copies of the application
2. a “stable base” map is not required at this time but must be provided prior to final approval;
- 3c. insert names of abutting land owners on map
- 4a. state that this project lies within the Rural Agricultural Zone
- 4b. accurately show on the map the location of the pond in relation to property boundaries. Motion by Tadema-Wielandt (Bamman) to require that the map show the location of the pond in relation to the property boundaries by indicating the distances from the outside edges of the berm to lots 37, 36-1, and the nearest point of Latona Lane. Vote: 5-0 to approve.
The requirement to provide bearings of property lines was waived. Donaldson (Bamman) moved to require “bearings and distances” as indicated in 4b. Vote: 1-4. Motion failed (Holt, Bamman, Gallagher, Tadema-Wielandt.
- 4d. provide width of Latona Lane and show all of the road, to scale.
- 4e. show entire length of the stream across the property; show the floodplain boundary and elevation on the map
- 4g. show surface water drainage directional arrows for existing property
- 5d. See 4b. (4b. finding properly belongs in 5d.)

The Board requests that a new map be provided that shows the entire parcel and all required information, to scale, on it. Mr. McCullough indicated that he would do so.

Tadema-Wielandt (Gallagher) moved to find the Pre-Application and Application complete, pending submission of the information listed above. Vote: 5-0.

Site Walk was scheduled for Friday Jan. 17, 2014 at 10 a.m. on the property.

Public Hearing was scheduled for Tuesday Feb. 4, 2014 at 6:30 p.m. at the Town Hall.

Chair Holt reported that he understands that the Lamoine Volunteer Fire Department plans to assist financially in this project and that it will be a resource for the community in the future. He wondered if there should be a written understanding of this arrangement that would ensure it regardless of the ownership of the property.

(b) Site Plan Review Pre-Application – Commercial Building, Doug Gott & Sons. Map 3 Lot 8 (Stevens Pit property)

Chair Holt clarified that this use will also require a Building and Land Use permit for a commercial use. Given that it has a footprint greater than 2,000 square feet, the

application procedure will be that described in the BLUO, Section 15E Industrial Structures Administration and Application Procedures.

i. Site Plan Review Pre-Application: The Board reviewed the Pre-Application for completeness and located information pertaining to all components of the application. Donaldson (Gallagher) moved to find the Pre-Application complete. Approved by vote of 5-0.

ii. No Pre-Application for the BLUO permit was submitted. Salsbury indicated that he would provide a written pre-application at the site inspection. Holt will provide a form for this purpose.

Several Board members inquired about the uses for this development. Salsbury indicated the building would be used “to store and repair heavy equipment, trucks, etc.”

Site Inspection scheduled for Jan. 18 at 10:00 a.m.

7. Other Public Matters - None

8. Ordinance Matters

a. MUBEC revisions: Jordan reported that he didn’t think our final recommendations from the December workshop had been communicated to the town office. Donaldson thought they had. Will clarify with the Town Office.

b. Gravel Ordinance revision: The Board discussed developments relating to this matter: a citizen petition to amend the BLUO that would limit any new gravel pits to the Development Zone; a lawsuit by four gravel operators against the Town; the status of the Board’s recommended revisions; a proposed Gravel Ordinance Task Force. Holt read a memorandum from the Administrative Assistant, on behalf of the Select Board, requesting that the Board nominate members to serve on this Task Force, the purpose of which is to propose “solutions” to the current conflict over the new Gravel Ordinance. The Board voiced its uncertainty regarding the purposes and procedures for such a Task Force and wondered, once again, what the Select Board’s response is to the three recommended amendments to the Gravel Ordinance put forward by the Planning Board.

Board members Bamman and Fowler were suggested as candidates for the Task Force. Both expressed willingness to serve.

Donaldson offered to send a memorandum directly to the Select Board members describing the Board’s efforts to revise the Gravel Ordinance, attaching the three proposed revisions, and asking for a response to these proposals in light of the Board’s recommendations (in September and November) to the Select Board that these be brought to the Town Meeting in March. The Board consented to this offer.

9. Next Meetings:

February 4, 2014 6:30 Public Hearing on Cahn fire pond
Followed by regular February meeting

March 4, 2014 Regular monthly meeting

10. Adjourned at 9:52 p.m.

Respectfully Submitted,

Gordon Donaldson, Secretary